

FILED
CLERK, U.S. DISTRICT COURT
SEP - 2 2008
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 v.) ORDER OF DETENTION AFTER HEARING
14) (18 U.S.C. § 3142(i))
15 *Francisco J. Chacon, Jr.*)
Defendant.)

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18 A. () On motion of the Government involving an alleged
19 1. () crime of violence;
20 2. () offense with maximum sentence of life imprisonment or death;
21 3. () narcotics or controlled substance offense with maximum sentence of ten or more
22 years (21 U.S.C. §§ 801,951, et. seq.,/955a);
23 4. () felony - defendant convicted of two or more prior offenses described above;
24 5. () any felony that is not otherwise a crime of violence that involves a minor victim, or
25 possession or use of a firearm or destructive device or any other dangerous weapon,
26 or a failure to register under 18 U.S.C § 2250.
27 B. () On motion () (by the Government) / () (by the Court sua sponte involving)

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ORDER OF DETENTION AFTER HEARING (18 U.S.C. §3142(i))

- 1 1. () serious risk defendant will flee;
- 2 2. () serious risk defendant will
3 a. () obstruct or attempt to obstruct justice;
4 b. () threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

5 II.

6 The Court finds no condition or combination of conditions will reasonably assure:

- 7 A. (✓) appearance of defendant as required; and/or
- 8 B. (✓) safety of any person or the community.

9 III.

10 The Court has considered:

- 11 A. (✓) the nature and circumstances of the offense, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
- 12 B. (✓) the weight of evidence against the defendant;
- 13 C. (✓) the history and characteristics of the defendant;
- 14 D. (✓) the nature and seriousness of the danger to any person or to the community.

17 IV.

18 The Court concludes:

19 A. (✓) Defendant poses a risk to the safety of other persons or the community because:

20 not complying w/ release condition

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B. () History and characteristics indicate a serious risk that defendant will flee because:

not complying w/ release conditions

C. () A serious risk exists that defendant will:

1. () obstruct or attempt to obstruct justice;

2. () threaten, injure or intimidate a witness/ juror, because:

D. () Defendant has not rebutted by sufficient evidence to the contrary the presumption provided in 18 U.S.C. § 3142 (e).

IT IS ORDERED that defendant be detained prior to trial.

IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections facility separate from persons awaiting or serving sentences or person held pending appeal.

IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private consultation with his counsel.

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DATED: 9/2/08

ROSALYN M. CHAPMAN
UNITED STATES MAGISTRATE JUDGE